

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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Attorneys for Secured Creditor

HSBC Bank USA, National Association as Trustee for

Deutsche Mortgage Securities, Inc., Mortgage Loan

Trust, Series 2004-3

In Re:

Mohammed Gulam Rabbani,

Debtor.



Order Filed on May 30, 2018 by
Clerk U.S. Bankruptcy Court
District of New Jersey

Case No.: 17-24973 JKS

Adv. No.:

Hearing Date: 4/12/18 @ 9:00 a.m.

Judge: John K. Sherwood

**ORDER RESOLVING MOTION FOR RELIEF FROM STAY VIA LOSS MITIGATION
PROGRAM**

The relief set forth on the following pages, numbered two (2) through two (2) is hereby
ORDERED.

DATED: May 30, 2018



Honorable John K. Sherwood
United States Bankruptcy Court

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Debtor: Mohammed Gulam Rabbani

Case No: 17-24973 JKS

Caption of Order: ORDER RESOLVING MOTION FOR RELIEF FROM STAY VIA LOSS MITIGATION PROGRAM

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, HSBC Bank USA, National Association as Trustee for Deutsche Mortgage Securities, Inc., Mortgage Loan Trust, Series 2004-3, Denise Carlon appearing, upon a motion to vacate the automatic stay as to real property located at 6022 Cedar Court, Monmouth Junction, NJ 08852, and it appearing that notice of said motion was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and Thomas Monahan, Esquire, attorney for Debtor, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of May 2, 2018, Debtor is in arrears outside of the Chapter 13 Plan to Secured Creditor for payments due January 2018 through April 2018 for a total post-petition default of \$10,544.60 (4 @ \$2,636.15); and

It **ORDERED, ADJUDGED and DECREED** that Debtor shall make post-petition payments directly to Secured Creditor outside of the plan in accordance with the terms of the Court's loss mitigation order; and

It **ORDERED, ADJUDGED and DECREED** that loss mitigation payments are to resume May 1, 2018; and

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the arrears in the amount of \$10,544.60 will be paid by Debtor remitting \$1,757.43 for five months and \$1,757.45 for one month in addition to the regular monthly mortgage payment, which additional payments shall begin on June 1, 2018 and continue for a period of six months until the post-petition arrears are cured; and

It is further **ORDERED, ADJUDGED and DECREED** that loss mitigation payments are to resume May 1, 2018, directly to Secured Creditor, M&T Bank, ATTD: Payment Processing, P.O. Box 1288, Buffalo, NY 14240-1288 (Note: the amount of the monthly mortgage payment is subject to change according to the terms of the note and mortgage); and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that Debtor is to obtain a loan modification by the date set forth in the loss mitigation order or as may be further extended by an Order Extending Loss Mitigation or an amended plan; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that in the event loss mitigation is unsuccessful, Debtor is responsible for the difference between the loss mitigation payment and the regular payment for the all post-petition months; and

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Debtor: Mohammed Gulam Rabbani

Case No: 17-24973 JKS

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It is further **ORDERED, ADJUDGED and DECREED** that for the Duration of Debtor's Chapter 13 bankruptcy proceeding, if any of the loss mitigation payments (or regular monthly mortgage payments upon expiration of the Loss Mitigation Program) are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtors shall have fourteen days to respond; and

It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtor, and Debtor's counsel at the time of submission to the Court; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs in the sum of \$350.00 for attorneys' fees and \$181.00 for filing fees, totaling \$531.00, which is to be paid through Debtors' Chapter 13 plan and the motion is hereby resolved.